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**HOUSE BILL 863**

**46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003**

**INTRODUCED BY**

George J. Hanosh

**AN ACT**

**RELATING TO COMMERCIAL MOTOR VEHICLES; PROVIDING FOR LIFETIME  
DISQUALIFICATION OF A PERSON FROM DRIVING A COMMERCIAL MOTOR  
VEHICLE IF CONVICTED OF A VIOLATION OF DRIVING A COMMERCIAL  
MOTOR VEHICLE UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR  
DRUGS.**

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:**

**Section 1. Section 66-5-68 NMSA 1978 (being Laws 1989,  
Chapter 14, Section 17, as amended) is amended to read:**

**"66-5-68. DISQUALIFICATION. --**

**A. The department shall disqualify a person from  
driving a commercial motor vehicle for a period of not less  
than one year if the person:**

**(1) refuses to submit to a chemical test when  
requested pursuant to the provisions of the Implied Consent**

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1 Act; or

2 (2) is convicted of a violation of:

3 (a) driving a commercial motor vehicle  
4 under the influence of intoxicating liquor or drugs in  
5 violation of Section 66-5-68.1 NMSA 1978 [~~Section 66-8-102 NMSA~~  
6 ~~1978, an ordinance of a municipality of this state or the law~~  
7 ~~of another state~~];

8 (b) leaving the scene of an accident  
9 involving a commercial motor vehicle driven by the person in  
10 violation of Section 66-7-201 NMSA 1978 or an ordinance of a  
11 municipality of this state or the law of another state; or

12 (c) using a commercial motor vehicle in  
13 the commission of any felony.

14 B. The department shall disqualify a person from  
15 driving a commercial motor vehicle for a period of not less  
16 than three years if any of the violations specified in  
17 Subsection A of this section occur while transporting a  
18 hazardous material required to be placarded.

19 C. The department shall disqualify a person from  
20 driving a commercial motor vehicle for life if convicted of two  
21 or more violations of any of the offenses specified in  
22 Subsection A of this section, or any combination of those  
23 offenses, arising from two or more separate incidents, but the  
24 secretary may issue regulations establishing guidelines,  
25 including conditions, under which a disqualification for life

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1 under this subsection may be reduced to a period of not less  
2 than ten years. This subsection applies only to those offenses  
3 committed after July 1, 1989.

4 D. The department shall disqualify a person from  
5 driving a commercial motor vehicle for life if the person:

6 (1) is convicted of a violation of driving a  
7 commercial motor vehicle under the influence of intoxicating  
8 liquor or drugs in violation of Section 66-8-102 NMSA 1978, an  
9 ordinance of a municipality of this state or the law of another  
10 state; or

11 (2) uses a commercial motor vehicle in the  
12 commission of any felony involving the manufacture,  
13 distribution or dispensing of a controlled substance or the  
14 possession with intent to manufacture, distribute or dispense a  
15 controlled substance.

16 E. The department shall disqualify a person from  
17 driving a commercial motor vehicle for a period of not less  
18 than sixty days if convicted of two serious traffic violations  
19 or one hundred twenty days if convicted of three serious  
20 traffic violations, if the violations were committed while  
21 driving a commercial motor vehicle, arising from separate  
22 incidents occurring within a three-year period.

23 F. The department shall disqualify a person from  
24 driving a commercial motor vehicle for a period of not less  
25 than one hundred eighty days nor more than two years if the

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1 person is convicted of a first violation of an out-of-service  
2 order while transporting hazardous materials required to be  
3 placarded pursuant to the federal Hazardous Materials  
4 Transportation Act or while operating a motor vehicle designed  
5 to transport more than fifteen passengers, including the  
6 driver. The department shall disqualify a person from driving  
7 a commercial motor vehicle for a period of not less than three  
8 years nor more than five years if, during any ten-year period,  
9 the person is convicted of any subsequent violations of out-of-  
10 service orders, in separate incidents, while transporting  
11 hazardous materials required to be placarded pursuant to that  
12 act or while operating a motor vehicle designed to transport  
13 more than fifteen passengers, including the driver.

14 G. When a person is disqualified from driving a  
15 commercial motor vehicle, any commercial driver's license held  
16 by that person is invalidated without separate proceeding of  
17 any kind and the driver is not eligible to apply for a  
18 commercial driver's license until the period of time for which  
19 the driver was disqualified has elapsed.

20 H. After disqualifying, suspending, revoking or  
21 canceling a commercial driver's license, the department shall,  
22 within ten days, update its records to reflect that action.  
23 After disqualifying, suspending, revoking or canceling a  
24 nonresident commercial driver's privileges, the department  
25 shall, within ten days, notify the licensing authority of the

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1 state that issued the commercial driver's license.

2 I. For purposes of this section, the term  
3 "convicted" includes a license revocation pursuant to the  
4 Implied Consent Act or the implied consent act of another  
5 state. "

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